



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
**DUNGENESS CRAB VESSEL PERMIT TRANSFER APPLICATION**

CHECK ONE:    ☐ TRANSFER TO REPLACEMENT VESSEL: \$200.00    ☐ RETAINING PERMIT UPON SALE OF THE VESSEL: \$200.00  
                  ☐ TEMPORARY TRANSFER: NO FEE                                    ☐ DEATH OF PERMITTEE/TRANSFER TO HEIR: \$200.00

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

FIRST NAME	M.I.	LAST NAME	
MAILING ADDRESS			
CITY	STATE	ZIP CODE	
DAY TELEPHONE (       )	MOBILE TELEPHONE (       )	E-MAIL ADDRESS	

**FISHING VESSEL INFORMATION** - Complete the following for the permitted and replacement vessels.

	PERMITTED VESSEL	REPLACEMENT VESSEL
CURRENT OWNER(S)		
COMMERCIAL FISHING LICENSE NUMBER		
VESSEL NAME		
FISH AND GAME BOAT REGISTRATION NUMBER		
STATE DMV OR USCG DOCUMENTATION NUMBER		
DATE OF PURCHASE		
LENGTH OVERALL		

**FOR PERMITTED VESSELS ONLY**

PERMITTED VESSEL WAS ACCIDENTALLY LOST, STOLEN OR DESTROYED    ☐ YES    ☐ NO    DATE OF INCIDENT MM/YYYY  
PERMIT PREVIOUSLY TRANSFERRED TO ANOTHER VESSEL                    ☐ YES    ☐ NO    DATE OF TRANSFER MM/YYYY

*I agree to renew the permit before the expiration date, if the transfer request takes place during the annual permit renewal period. I certify that I have read, understand, and agree to abide by all conditions of the applicable provisions of the FGC, and the regulations promulgated thereto. I agree that if I make any false statement as to any fact required as a prerequisite to the review, approval of this transfer request, the transfer and stamps are void and will be surrendered where purchased, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR.*

SIGNATURE OF PERMITTED VESSEL OWNER	DATE
<u>X</u>	
SIGNATURE OF PERMITTED VESSEL OWNER	DATE
<u>X</u>	

## **GENERAL TRANSFER PROVISIONS FOR DUNGENESS CRAB VESSEL PERMITS**

Commercial Dungeness Crab Vessel Permit (DCVP) transfers are allowed only under the provisions of California Fish and Game Code (FGC) Section 8280.3.

The fee for each transfer is \$200 and is nonrefundable. (FGC Section 8280.6(b)) The transfer fee must be submitted with the transfer application. Payment can be made by check, money order, or credit card (Visa or Mastercard). Please make checks payable to the Department of Fish and Game.

DCVPs must be current with the Department before a transfer application will be processed.

If the vessel owner sells the permitted vessel before the transfer review and approval process is completed, the vessel based permit goes with the vessel and to the new owner.

### **Vessel Length Overall Restrictions**

A permit transfer can not be more than five feet greater than the length overall from the originally permitted vessel. Thereafter, all transfer(s) of a DCVP must be to vessels of equal or lesser length overall. (FGC Section 8280.3(a)(2))

The Department accepts a marine survey completed within the last two to three years from a certified marine surveyor as measurement to document length overall for the permitted vessel and replacement vessel.

### **Proof of Vessel Ownership**

The Department accepts the following as proof of vessel ownership:

- United States Coast Guard Certificate of Documentation;
- California Department of Motor Vehicle Certificate of Registration; or
- Out of state vessel registration.

If the permitted vessel or the replacement vessel is owned by a corporation, limited liability company, or partnership, the vessel owner must submit an Articles of Incorporation, Amendments, Mergers, Dissolutions or Statement of Officers, to show that the vessel owner is a shareholder, officer or board member of the corporation, limited liability company, or partnership.

### **Change of Ownership**

The new owner of a vessel with a valid transferable DCVP must immediately notify the Department of his/her new ownership in writing. Transferable Dungeness Crab vessel permittees must complete a Change of Ownership form FG 1384 (Rev. 2/08) when the vessel is sold. After notifying the Department, the new vessel owner may use the vessel to take and land Dungeness crab. The new vessel owner may not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year. No fee is required for a change of ownership. (FGC Section 8280.3(a)(1))

### **Nontransferable Dungeness Crab Vessel Permits**

Nontransferable DCVP's can not be sold to another person or change ownership. The permit shall become immediately null and void upon the death of the permittee. (FGC Section 8280.1(b)(3))

### **Appeal Provisions and Deadlines**

If a transfer request is denied, the Department will notify the permittee in writing. The permittee may appeal the denial in writing to the Fish and Game Commission within 90 days from the date of the Department's denial. (FGC Section 8280.5(e))

If you have any questions about the dungeness crab vessel permit transfer process, please call Ruth Flores, at (916) 928-7470 or e-mail [rflores@dfg.ca.gov](mailto:rflores@dfg.ca.gov). Mail the Transfer Application and supporting documentation to Department of Fish and Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834.

### **TRANSFER PERMIT TO A REPLACEMENT VESSEL (FGC SECTION 8280.3(a)(2))**

#### **Submit copies of the following:**

1. Current Commercial Fishing License for the owner of the permitted vessel.
2. Current Commercial Boat Registration for the permitted vessel.
3. Current proof of vessel ownership for the permitted vessel and the replacement vessel
4. Marine surveys that show the length overall of both the permitted vessel and the replacement vessel.

A report filed with the U.S. Coast Guard or other law enforcement agency investigating the loss of the permitted vessel. If the permitted vessel is no longer available for a marine surveyor to document the length overall measurement because it has been lost, stolen or destroyed.

When the permitted vessel is no longer available for a marine surveyor to document the length overall measurement, the Department may consider one of the following:

- a. Marine survey for a length overall measurement of the permitted vessel prior to January 1, 1995;
- b. Proof of vessel ownership;
- c. Proof of vessel ownership documents on file with the Department of Fish and Game; or
- d. Federal Permits with the endorsed length.

#### **Replacement Vessel – Purchased on November 16, 1995 or Later**

The owner of a permitted vessel that is the owner of a replacement vessel that the owner purchased on November 16, 1995 or later may only transfer a DCVP to a replacement vessel that is five feet greater or less in length overall than the vessel for which the permit was originally issued.

#### **Replacement Vessel – Purchased on or Before November 15, 1995**

The owner of a permitted vessel that is also the owner of a replacement vessel that the owner owned on or before November 15, 1995 may transfer a DCVP to a replacement vessel that is not 10 feet longer in length overall than the vessel for which the permit was originally issued.

#### **Replacement Vessel – Purchased on or Before April 1, 1996**

The owner of a permitted vessel that is the owner of a replacement vessel that the owner purchased on or before April 1, 1996, may only transfer a DCVP to a replacement vessel that is five feet greater or less length overall than the vessel for which the permit was originally issued. If all the following conditions are satisfied:

- Vessel of a larger size is essential to the vessel owner to participate in another fishery other than a trawl net fishery.
- The vessel owner held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.
- The DCVP for the original permitted vessel was issued pursuant to FGC Section 8280.1(b)(1).
- The replacement vessel does not exceed 20 feet longer in length overall than the permitted vessel.
- The replacement vessel does not exceed 60 feet in overall length.

In addition to the documents listed above the vessel owner must also submit the following with the transfer request:

\*Permit issued on or before January 1, 1995 for the fishery for which a larger vessel is essential.

\*Fish landing receipts to verify participation in the other fisheries.

If the transfer is approved, the vessel owner will be required to provide a copy of a notarized bill of sale and proof of ownership for the replacement vessel.

#### **TEMPORARY TRANSFER (FGC SECTION 8280.3(a)(3) (NO FEE)**

##### **Submit copies of the following:**

1. Current Commercial Boat Registration for the permitted vessel and the replacement vessel.
2. Current proof of ownership for the permitted vessel and the temporary replacement vessel.
3. Report filed with the U.S. Coast Guard or other law enforcement agency investigating the loss or destruction if a permitted vessel has been seriously damaged.

Note: Temporary transfers (if approved) are valid for six months. If an additional six months is needed to repair or replace a permitted vessel, the vessel owner must submit a written request for a six month extension.

## **RETAINING PERMIT UPON THE SALE OF THE VESSEL (FGC SECTION 8280.3(a)(4))**

**Prior to the sale of the permitted vessel, the vessel owner must submit a transfer application with copies of the following:**

1. Current Commercial Fishing License for the owner of the permitted vessel.
2. Current Commercial Boat Registration for the permitted vessel.
3. Current proof of ownership for the permitted vessel.
4. Marine survey to establish the length overall of the permitted vessel.

If the Department approves the request, the Department will send written notification to the vessel owner. The vessel owner will be required to provide a notarized bill of sale to the Department to verify he/she no longer owns the permitted vessel. Within one year from the date of sale of the permitted vessel, the vessel owner must transfer the permit to a replacement vessel.

Note: DCVPs are subject to revocation if the vessel owner does not provide the Department with proof of ownership for the replacement vessel within one year of the date the permitted vessel was sold or if the vessel owner does not maintain ownership of the replacement vessel for a minimum of one year after the transfer of the DCVP from the permitted vessel to the replacement vessel.

## **DEATH OF PERMITTEE (FGC SECTION 8280.3(a)(5))**

**In the case where the permittee has died, his/her heirs or estate must submit a transfer application with copies of the following:**

1. Current Commercial Fishing License for the owner of the permitted vessel.
2. Current Commercial Boat Registration for the permitted vessel.
3. Current Proof of Ownership for the permitted vessel.
4. Death certificate of the permittee.
5. Proof that the applicant is the executor of the deceased's estate.

## **NONTRANSFERABLE DUNGENESS CRAB VESSEL PERMITS (FGC SECTION 82080.1(b)(3))**

Nontransferable DCPV's can not be sold to another person or change ownership. The permit shall become immediately null and void upon the death of the permittee.

## **Fish and Game Code Excerpts**

### **§7857**

Unless otherwise specified, the following conditions apply to each commercial fishing license, permit, or other entitlement issued to take, possess aboard a boat, or land fish for commercial purposes and to each commercial boat registration issued by the Department, except licenses issued pursuant to Article 7 (commencing with Section 8030):

(a) The person to whom a commercial fishing permit or other entitlement is issued shall have a valid commercial fishing license issued pursuant to Section 7852 that is not revoked or suspended.

(l) A person who holds a commercial fishing vessel permit or other entitlement authorizing the use of a vessel for commercial fishing shall also hold a valid commercial boat registration for that vessel, issued pursuant to Section 7881, that has not been suspended or revoked.

### **§8280.2.**

(a) The owner of a Dungeness crab vessel, for purposes of this section, may include a person with a bona fide contract for the purchase of a vessel who otherwise meets all other qualifications for a Dungeness crab vessel permit. If a contract is found to be fraudulent or written or entered into for the purposes of circumventing qualification criteria for the issuance of a permit, the applicant shall be permanently ineligible for a Dungeness crab vessel permit.

(b) A Dungeness crab vessel permit shall be issued only to the person owning the vessel at the time of application for that permit. No person shall be issued more than one permit for each

vessel owned by that person and qualifying for a permit pursuant to Section 8280.1.

(c) A Dungeness crab vessel permit shall be issued only to the owner of a vessel taking crab by traps. No permit shall be issued to the owner of a vessel using trawl or other nets unless the owner of that vessel qualifies for a permit pursuant to paragraph (1) of subdivision (b) of Section 8280.1. No trawl or other net vessel authorized under this code to take Dungeness crab incidental to the taking of fish in trawl or other nets shall be required to possess a Dungeness crab vessel permit.

(d) Dungeness crab vessel permit shall not be combined or otherwise aggregated for the purpose of replacing smaller vessels in the fishery with a larger vessel, and a permit shall not be divided or otherwise separated for the purpose of replacing a vessel in the fishery with two or more smaller vessels.

(e) Applications for renewal of all Dungeness crab vessel permits shall be received by the department, or, if mailed, postmarked, by April 30 of each year. In order for a vessel to retain eligibility, a permit shall be obtained each year subsequent to the initial permit year and the vessel shall be registered pursuant to Section 7881. The vessel owner shall have a valid commercial fishing license issued to that person pursuant to Section 7852 that has not been suspended or revoked. No minimum landings of Dungeness crab shall be required annually to be eligible for a Dungeness crab vessel permit.

### **§8280.3.**

(a) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(1) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of

that vessel upon the sale of the vessel by the permit holder to the person purchasing the vessel. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to Section 8280.1 for the use of that vessel in subsequent years. The person purchasing the vessel may not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(2) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to Section 8280.1 for the use of that replacement vessel in subsequent years.

The owner of a permitted vessel may transfer the permit to a vessel of greater capacity that was owned by that person on or before November 15, 1995, not to exceed 10 feet longer in length overall than the vessel for which the permit was originally issued or to a vessel of greater capacity purchased after November 15, 1995, not to exceed five feet longer in length overall than the vessel for which the permit was originally issued. The department, upon recommendation of the Dungeness crab review panel, may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by that person on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the vessel for which the permit was originally issued, if all of the following conditions are satisfied:

(A) A vessel of a larger size is essential to the owner for participation in another fishery other than a trawl net fishery.

(B) The owner held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.

(C) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1.

(D) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the vessel for which the permit was originally issued and the vessel to which the permit is to be transferred does not exceed 60 feet in overall length.

No transfer of a permit to a larger vessel shall be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel may not be transferred to another larger vessel. The department shall not thereaf-

ter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to this paragraph.

(3) Upon the written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may temporarily transfer the permit to another replacement vessel, for which use in the Dungeness crab fishery is not permitted pursuant to this section or Section 8280.1, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the department, upon approval of the director. The owner of the vessel shall submit proof that the department may reasonably require to establish the existence of the conditions of this paragraph. Upon approval by the director, the owner of a lost or destroyed vessel granted a six-month temporary transfer under this section may be granted an additional six-month extension of the temporary transfer.

(4) Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel to be purchased by that individual within one year of the time of sale of the vessel for which the permit was originally issued if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel owned by the person to whom the vessel permit was originally issued within one year of the sale of the vessel for which it was originally issued, or if the person does not retain ownership of the new vessel to which the permit is transferred for a period of not less than one year, the permit shall be revoked.

(5) In the event of the death or incapacity of a permit holder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permit holder, together with the transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to paragraph (1).

(b) This section shall become inoperative on April 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute that is enacted before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

#### **§8280.6.**

(b) The department shall charge a nonrefundable fee of two hundred dollars (\$200) for each transfer of a permit authorized pursuant to paragraph (2), (4), or (5) of subdivision (a) of Section 8280.3.